

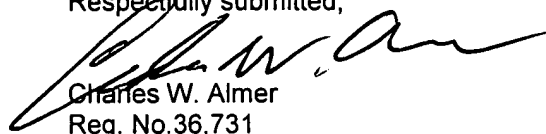
REMARKS

In the Office Action the Examiner rejected claims 1, 3 – 7 and 9 as anticipated under 35 U.S.C. 102(b) by U.S. Patent No. 5,858,549, issued to Kielbania or U.S. Patent No. 5,840,822, issued to Lee. Both Kielbania and Lee disclose the use of (hydroxyalkyl)urea (“HAU”) in combination with at least one rheology modifying agent and/or optionally a synthetic additive. Crosslinking is not required in either reference. Neither Kielbania nor Lee disclose the fire retardant nature of the composition required in the claims of the present application, specifically that the composition produces carbon dioxide upon exposure to heat. The production of carbon dioxide is a clear indication that a specific chemical reaction is occurring under a specific circumstance, the exposure to heat. While use of at least one rheology modifying agent and/or a synthetic additive is disclosed in the references, there is no reference, teaching, disclosure or suggestion that such a composition would have the unique characteristic of releasing carbon dioxide upon exposure to heat. While the Examiner discusses whether or not crosslinking is occurring, there is no disclosure that the evolution of carbon dioxide is related to the crosslinking. Further, there is no disclosure in either reference to the use of its composition as a fire retardant material, as required in the claims of the present application. As anticipation under 35 U.S.C. 102(b) requires identity of invention, in view of the significant differences between Kielbania and Lee and the present application, as amended, it is respectfully submitted that claims 1 and 3 – 7 and 9 are patentable under 35 U.S.C. 102(b) over Kielbania or Lee.

Claims 8 and 19 – 21 were rejected as anticipated under 35 U.S.C. 102(b) by, or in the alternative as unpatentable under 35 U.S.C. 103(a), over Kielbania or Lee. The distinctions set forth above regarding Kielbania and Lee are equally applicable to the present rejection. Further, there is no teaching, suggestion or disclosure in Kielbania or Lee of a gel that produces carbon dioxide upon exposure to heat. Further, there is no teaching, suggestion or disclosure in Kielbania or Lee of a chemical reaction that occurs only upon exposure to heat, such as with the present invention. Accordingly, Applicants respectfully submit that claims 8 and 19 – 21 are patentable under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) over Kielbania or Lee.

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance. If there are any issues that the Examiner wishes to discuss, he is invited to contact the undersigned attorney at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. W. Almer', written over the typed name.

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